

**STATE OF MICHIGAN
DEPARTMENT OF LICENSING & REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION**

Before the Commissioner of the Office of Financial and Insurance Regulation

In the Matter of:

D and D Marketing Corporation
15503 Ventura Boulevard, Suite 300
Encino, CA 91436

**Enforcement Case No. 12-11508
Agency No. 12-015-CU**

www.michigan.credit.union.auto.loans.fastquickquickloans.com
www.credit.union.loans.cashloanloanscash.com

Respondent.

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Issued and entered
this 29th day of March, 2012
by Stephen R. Hilker,
Senior Deputy Commissioner

TEMPORARY ORDER TO CEASE AND DESIST

The Office of Financial and Insurance Regulation, pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, and the Michigan Credit Union Act, 2003 PA 215, as amended, MCL 490.101 *et seq.*, and the Rules promulgated thereunder, R 490.111 - R 490.120, issued a Notice of Charges and Notice of Hearing on March 30, 2012, and now states:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. OFIR is responsible for the regulation of credit unions doing business in the state of Michigan and enforcement of the provisions of the Michigan Credit Union Act ("MCUA").
2. OFIR has received information regarding the ongoing Michigan business operations of D and D Marketing Corporation.
3. D and D Marketing Corporation is currently operating the following websites:
<http://www.michigan.credit.union.auto.loans.fastquickquickloans.com>
<http://www.credit.union.loans.cashloanloanscash.com>
4. The above-mentioned websites offer credit union loans to Michigan residents.

5. The website www.credit.union.loans.cashloanloanscash.com states in part, "We have Credit Union Loans Instant Approval, No Faxing and No Credit Check for Credit Union Loans, Don't worry if you have Bad Credit for Credit Union Loans is OK, Fast Cash up to \$1500...."
6. The website www.michigan.credit.union.auto.loans.fastquickquickloans.com states in part, "No need to fax a single document. Once you have applied your credit loans application is processed electronically and [a]pproval takes literally seconds."
7. D and D Marketing Corporation is not a domestic credit union organized pursuant to Section 301 of the MCUA, MCL 490.301.
8. D and D Marketing Corporation is not a domestic credit union authorized to commence business in the state of Michigan pursuant to Section 301 of the MCUA, MCL 490.301.
9. D and D Marketing Corporation is using the words "credit union" in its business operations and/or promotion of its websites, in violation of Section 104 of the MCUA, MCL 490.104.
10. D and D Marketing Corporation's ongoing business operations constitute continuing and multiple violations of the MCUA.
11. On March 30, 2012, OFIR issued and served upon D and D Marketing Corporation a Notice of Charges and Notice of Hearing, pursuant to Section 210 of the MCUA, MCL 490.210, via Certified Mail.
12. Through that Notice of Charges, D and D Marketing Corporation was informed of the fact that its ongoing business operations violate the MCUA, MCL 490.101 *et seq.*

WHEREAS, a person is prohibited from engaging in the business of a credit union in the state of Michigan unless they are a domestic credit union or foreign credit union pursuant to MCL 490.101 *et seq.*;

WHEREAS, Section 102(h) of the MCUA, MCL 490.102(h) states that "[c]redit union' means a domestic or foreign credit union."

WHEREAS, Section 102(l) of the MCUA, MCL 490.102(l) states that "[d]omestic credit union' means a cooperative, nonprofit entity organized under this act for the purposes of encouraging thrift among its members, providing a variety of financial services to its members, and providing an opportunity for its members to use and control their own money on a democratic basis in order to improve their economic and social condition."

WHEREAS, Section 102(o) of the MCUA, MCL 490.102(o), states that “[f]ederal credit union’ means a credit union organized under the laws of the United States.”

WHEREAS, Section 102(r) of the MCUA, MCL 490.102(r), states that “[f]oreign credit union’ means a credit union organized under the laws of another state or territory of the United States or a federal credit union.”

WHEREAS, a person desiring to operate as domestic credit union must first obtain the approval of the Commissioner under Section 301 of the MCUA, MCL 490.301;

WHEREAS, Section 201 of the MCUA, MCL 490.201, states that “[t]he commissioner shall administer the laws of this state relating to credit unions transacting business in this state and shall supervise domestic credit unions, and foreign credit unions other than federal credit unions transacting business in this state.”

WHEREAS, Section 210(4) of the MCUA, MCL 490.210(4) states that, “[i]f the commissioner determines that a foreign credit union branch located in this state is acting in violation of the laws of this state or that the activities of the branch are being conducted in an unsafe and unsound manner, the commissioner may take any enforcement action that would be permitted under this act if the branch were a domestic credit union.”

WHEREAS, Section 211 of the MCUA, MCL 490.211, states that “[i]f the commissioner determines that a violation or threatened violation or an unsafe or unsound practice or practices specified in the notice of charges served upon a domestic credit union under section 210, or the continuation of the violation or practice, is likely to cause insolvency or substantial dissipation of assets or earnings of the domestic credit union, or is likely to otherwise seriously prejudice the interests of its depositors, the commissioner may issue a temporary order requiring the domestic credit union to cease and desist from that violation or practice.”

WHEREAS, D and D Marketing Corporation’s ongoing business operations as an alleged “credit union” violate Section 301 of the MCUA, MCL 490.301.

WHEREAS, D and D Marketing Corporation is using the words “credit union” in its business operations in violation of Section 104 of the MCUA, MCL 490.104.

WHEREAS, D and D Marketing Corporation’s ongoing business operation as an alleged “credit union” constitutes a continuing violation of the MCUA.

WHEREAS, OFIR Staff recommends that the Commissioner find that Respondent has engaged in acts and practices that violate the MCUA, MCL 490.101 *et seq.*


WHEREAS, OFIR Staff recommends that the Commissioner issue a Cease and Desist Order pursuant to Section 211 of the MCUA, MCL 490.211.

ORDER

IT IS THEREFORE ORDERED, pursuant to Section 211 of the MCUA, MCL 490.211, that:

1. Respondent shall immediately **CEASE AND DESIST** from conducting any and all business operations as a credit union including the operation of the abovementioned websites, in violations of Sections 104 and 301 of the MCUA, MCL 490.104 and MCL 490.301.
2. Failure to comply with this ORDER will subject Respondent to a criminal penalty of not more than \$25,000 for each violation, or imprisonment of not more than 10 years, or both.
3. The commissioner retains the right to pursue further administrative action against the Respondent should the Commissioner determine that such action is necessary and appropriate in the public interest, for the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the MCUA.
4. Any contact with OFIR must be directed to Marlon F. Roberts, Staff Attorney, Office of Financial and Insurance Regulation, P.O. Box 30220, Lansing, MI 48909, telephone at: (877) 999-6442, or facsimile at (517) 373-1224.

OFFICE OF FINANCIAL AND
INSURANCE REGULATION



Stephen R. Hilker
Senior Deputy Commissioner